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REMARKS

Status of and Amendments to the Claims

Claims 68-116 are pending with entry of this amendment.

Claims 1-67 are cancelled herein, without prejudice to subsequent renewal or filing in one or more continuation and/or divisional applications. Please note that Applicants reserve the right to file subsequent applications claiming the cancelled subject matter, and that the claim cancellations should not be construed as abandonment of any presently or previously claimed subject matter or agreement with any objection or rejection of record.

Claims 68-116 are added herein. The new claims are fully supported in the specification and add no new matter. Support for claims 68-85 and 93 is found throughout the specification, including at, but not limited to, *e.g.*, page 6 lines 14-19, page 8 lines 6-19, page 9 line 27 - page 10 line 10, page 11 lines 14-16, page 11 lines 30-31, page 19 lines 14-33, page 28 lines 5-35, page 29 lines 26-32, page 30 line 25 - page 31 line 14, and page 33 lines 7-10. Support for claim 86 is found, for example, at least on page 29 lines 5-10, and Example 1 on pages 64-66. Support for claim 87 is found, for example, at least on page 20 line 24 - page 21 line 6. Support for claim 88 is found, *e.g.*, at least on page 33 lines 11-18 and page 34 lines 20-30. Support for claims 89 and 90 is found, for example, at least on page 6 lines 7-13 and page 35 line 30 - page 41 line 13. Support for claims 91 and 94 is found, for example, at least on page 11 line 34 - page 12 line 11 and page 63 line 30 - page 64 line 14. Support for claims 92 and 95 is found, *e.g.*, at least on page 12 lines 12-24 and page 64 lines 15-20. Support for claim 96 is found, for example, at least at page 11 lines 14-15 and page 45 line 34 - page 46 line 15. Support for claim 97 is found, *e.g.*, at least on page 47 line 21 - page 51 line 27. Support for claims 98-102 is found, for example, at least on page 41 lines 14-21 and page 51 line 28 - page 52 line 34. Support for claims 103-105 and 111-112 is found, for example, at least on page 56 lines 19-27 and page 57 line 34 - page 58 line 35. Support for claims 106-110 is found, *e.g.*, at least on page 54 line 32 -page 55 line 30. Support for claims 113-116 is found, for example, at least on page 34 line 34 - page 35 line 8 and page 41 lines 14-21.

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Restriction

The claims were restricted under 35 U.S.C. § 121 into the following groups:

I. Claims 1-56, and 63, drawn to a conjugate of wild-type FVII or FVIIa, classified in class 530, subclass 350. It is noted that claim 63 is drawn to a composition comprising a conjugate. New claims 68-92 and 103-105 are drawn to a conjugate and a composition comprising a conjugate, respectively.

II. Claim 57, drawn to a polypeptide, classified in class 536, subclass 350. New claims 93-95 are drawn to a polypeptide.

III. Claims 58-61, drawn to a nucleotide, expression vector, and host cell, classified in class 536, subclass 23.1, class 435, subclass 320.1, and class 435, subclass 325. New claims 96-102 are drawn to nucleotides, expression vectors, and host cells.

IV. Claim 62, drawn to a method for producing a conjugate, classified in class 530, subclass 350. New claims 113-116 are drawn to a method for producing a conjugate.

V. Claims 64-67, drawn to a method of treatment, classified in class 530, subclass 350. New claims 106-110 are drawn to a method of treatment.

Election

Group I, drawn to a conjugate and composition comprising the conjugate, is provisionally elected, with traverse. Applicants respectfully submit that a search of the Group II polypeptide would be co-extensive with a search of the Group I conjugate, since the conjugate comprises the polypeptide. Since examination of the conjugate would necessarily include examination of the polypeptide which is part of the conjugate, it is submitted that no serious burden would be placed on the Examiner in examining Group I and Group II claims in this application. Applicants therefore respectfully request rejoinder of invention Groups I and II. Applicants provisionally elect for examination Group I, as represented by claims 68-92 and 103-105, and Group II claims 93-95 should rejoinder of Groups I and II be effected.

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The Examiner further restricted the invention to a single patentably distinct species for examination in this application. Applicants provisionally elect the species comprising the substitution T106N, with traverse, and respectfully request the Examiner reconsider his position in view of the following.

The Official Gazette, 1192 O.G. 68 (November 19, 1996), and MPEP 803.04 and 2434, provides for a partial waiver of the requirements of 37 CFR 1.141 *et seq.* "...to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office", by permitting a reasonable number of otherwise patentably distinct sequences be examined in a single application. As noted in MPEP 803.04, 3rd paragraph, "[it] has been determined that normally ten sequences constitute a reasonable number for examination purposes" and, in the 4th paragraph of that section, "[in] some exceptional cases, the complex nature of the claimed material, for example a protein amino acid sequence reciting three dimensional folds, may necessitate that the reasonable number of sequences to be selected be less than ten."

In a sincere attempt to propose a compromise which minimizes the burden on the Examiner while minimizing the number of divisional applications Applicants must file to protect their invention, the claims in this application have been amended to recite five patentably distinct species, as reflected in new claim 68. Applicants respectfully request the Examiner to reconsider his position and to consent to a species election (rather than a restriction requirement) of the newly introduced Markush-type claim 68, and examination of the elected species pursuant to MPEP 803.02.

Applicants elect for initial examination the species comprising the substitution T106N. Pending claims 68-70, 75-77, 81-83, and 85-116 read on the elected species. In the event the elected species is found to be patentable, Applicants request that additional species recited in claim 68 be examined, pursuant to the procedure outlined in MPEP 803.02.

Request for Rejoinder Pursuant to MPEP 821.04

MPEP 821.04 provides for rejoinder of process claims which depend from or otherwise incorporate all of the limitations of product claims, once product claims are found allowable.

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Applicants therefore request that Group IV and V process claims, and newly-presented claims 111 and 112 (drawn to a method for preparing a composition) be rejoined upon a finding of allowablility of the product claims from which they depend.

CONCLUSION

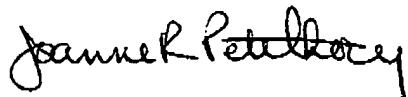
This amendment cancels 67 claims (1 independent) and adds 49 claims (1 independent). It is therefore believed no fee is required for entry of this amendment beyond that for the two-month extension of time. However, if an additional fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0990.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

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Respectfully submitted,



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